

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2022 JUN 21 PM 4: 15

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

CLERK  
BY EA  
DEPUTY CLERK

BLACKBERRY CORPORATION, AND )  
CYLANCE INC. (d/b/a BLACKBERRY )  
CYLANCE, )  
Plaintiff(s), )  
v. )  
KAYLAN BROWN COULTER )  
Defendant(s). )

Case No. 5:22-CV-98

**STIPULATED DISCOVERY SCHEDULE/ORDER**

The parties submit the following Discovery Schedule pursuant to Local Rule 26(a)(2):

**INTRODUCTION**

1. In this case, discovery may be needed on the following subjects: See First Amended Complaint.

Unless noted here to the contrary and in more detail, discovery in this matter shall not be conducted in phases nor limited to particular, enumerated issues.

2. The parties have conferred about disclosure, discovery, and preservation of electronically stored information ("ESI"). Unless noted otherwise, ESI shall be produced in the following format(s): The parties will confer on an ESI protocol including format for production of ESI, within 14 days.

3. The parties have conferred about claims of privilege and claims of protection as trial-preparation materials. The parties have agreed on the following procedure to assert these claims after production: To be addressed in forthcoming ESI protocol

\_\_\_\_\_. Unless specifically requested in a filing with this court, the parties agreed procedure will not be the subject of a court order under Federal Rule of Evidence 502.

4. The parties will negotiate a protective order for the case within the next 14 days.
5. Any changes in the limitations on discovery imposed under the Federal Rules of Civil Procedure or the Local Rules for this District shall be specifically described below.
  - 35 interrogatories, without leave of court.
  - The parties will meet and confer about agreeing to the appropriate number of depositions in this case without seeking leave of court after initial disclosures are made.

#### DEADLINES

6. The parties shall serve initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on or before July 15, 2022.
7. The parties shall serve all interrogatories and requests for production on or before November 15, 2022.
8. Depositions of all non-expert witnesses shall be completed by February 15, 2023.
9. Plaintiff shall submit expert witness reports on or before November 15, 2022.  
Depositions of plaintiff's expert witnesses shall be completed by December 15, 2022.
10. Defendant shall submit expert witness reports on or before January 15, 2023.  
Depositions of defendant's expert witnesses shall be completed by February 15,

2023.

11. The Early Neutral Evaluation session shall be conducted on November 15, 2022 at 10:00 ☒ am ☐ pm. The parties have agreed that Greg Clayton will serve as the early neutral evaluator. (Note: Paragraph 10 only applies to ENE-eligible cases pursuant to Local Rule No. 16.1.)
12. The parties shall serve all requests for admission on or before February 1, 2023.
13. All discovery shall be completed by March 1, 2023 (no later than 8 months after filing of the Answer or Third-Party Answer).
14. Motions for joinder of parties and amendments to the pleadings shall be filed on or before October 1, 2022.
15. Motions, including summary judgment motions but excluding motions relating to the conduct of the trial, shall be filed on or before April 1, 2023.
16. This case shall be ready for trial by April 1, 2023 unless a timely filed motion for summary judgment is filed.

Frank J. O'Brien  
Date 6/21/2022  
Counsel for Plaintiff(s)

/s/ ERIC JONES (BY EOB, WITH PERMISSION)  
Date 6/21/2022  
Counsel for Defendant(s)

In Re: Blackberry Corporation *et al* v. Kaylan Brown Coulter

Case No. 5:22-CV-98

**APPROVED and SO ORDERED.**

Dated at Burlington, in the District of Vermont, this 21<sup>st</sup> day of June, 2022

/s/ Geoffrey W. Crawford  
Chief Judge, U.S. District Court